

OFFICE OF THE GOVERNOR

SEP 28 2014

To the Members of the California State Assembly:

I am returning Assembly Bill 885 without my signature.

AB 885 would allow a court to instruct the jury to consider intentional or knowing prosecutorial discovery violations in determining whether reasonable doubt exists in a criminal case.

Prosecutorial misconduct should never be tolerated.

This bill, however, would be a sharp departure from current practice that looks to the judiciary to decide how juries should be instructed. Under current law, judges have an array of remedies at their disposal if a discovery violation comes to light during trial.

Sincerely,

Edmund G. Brown Jr.